



The countryside charity
Bedfordshire

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Working locally and nationally to protect and enhance a beautiful, thriving countryside for everyone to value and enjoy.

For the attention of Benjamin Tracy, Principal Planning Officer

Ref: CBC Planning Application CB/21/05393/OUT – Development of up to 49 dwellings on land fronting Silsoe Road, Maulden (HAS38).

CPRE Bedfordshire **objected** to the original application to develop HAS38 and now wish to make the following **objections** to the *revised plans* for your consideration in relation to the Planning Application.

- Within the Local Plan, HAS38 is identified as the Eastern 2.37 ha portion of a site (NLP253). offered in 'the call for sites' – the Western portion was not only excluded from HAS38, but a condition of approval was protection of the existing rural character. HAS 38 is aligned to the existing build form and the Western boundary of HAS38 also defines the settlement envelope (SP5) for Maulden.
- The revised plans are based on development of the whole 4.45ha field bounded by the existing watercourses. In the 'call for sites' assessment the portion of NLP253 outside HAS38 was specifically excluded to preserve high quality agricultural land (DC5) and the natural character of the landscape (EE5). In ignoring this decision, the application is contrary to Policy HA1 of the Local Plan.
- The revised drawings indicate that mitigation of loss of biodiversity resulting from development of the site will be delivered in the land beyond HAS38. This is contrary to Policies EE2 and EE3 which require mitigating measure be incorporated within the bounds of the built development.
- The proposed number, designs, layout, and density of housing are contrary to Policies H2 and HQ1 of the Local Plan and inconsistent with preserving the current build form as a condition of approval of HAS38. Moreover, since Maulden is within the Greensand Ridge NIA it is also contrary to Policy EE8
- Most significantly, the assessment of the flood risk on the site has been flawed through the Site Assessment process – in fact there are significant discrepancies between the findings of the FRA presented by the developer, the Stage 1a assessment conducted by CBC and the Stage 2 assessment conducted by JB Consulting. The proposed mitigation of 'surface water' flooding requires creation of a number of reservoirs and balancing ponds in the land

outside HAS38 connecting to onsite swales to collect some surface water via culverts. The revised plans are contrary to Policy CC3 and may be contrary to Policies CC4, CC5 and CC7.

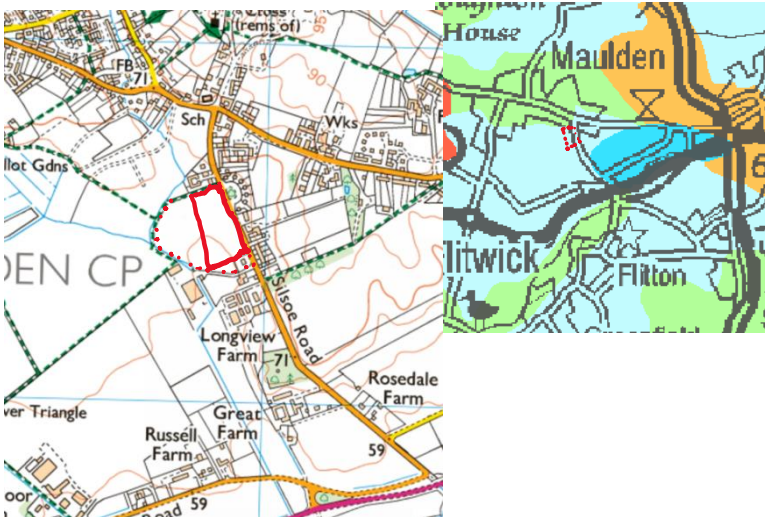
- The land west of the approved HAS38 site is intended in the Local Plan to be retained as open landscape and agricultural land. The revised drawings indicate that 30-50% of the land area will become open water changing the character and ecology of the site contrary to Policies EE1, EE3, EE5, EE8 and DC5 of the Local Plan.

Any claimed benefits from development of the site do not outweigh the harm to the rural setting, adversely impact biodiversity, and irreparably remove valuable agricultural land.

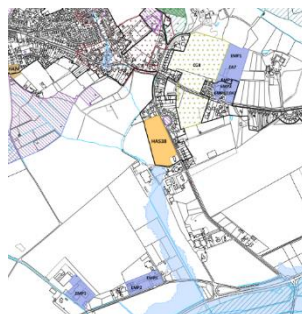
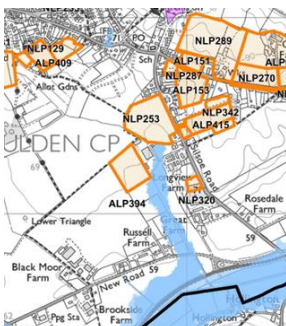
{CPRE notes an alternative proposal of a single line of housing similar in design and layout to the existing properties to the East of Silsoe Road and would urge CBC to discuss this design with the developer.}

1. Context

The site is situated on a gentle gradient NNW-SSE on the downslope of the Greensand Ridge towards the River Flit which runs along the base of the ridge adjacent to the A507 and is currently agricultural land rated as BMV 2 by Natural England.



In the 2015 'call for sites' during development of the Local Plan, the whole 4.45 ha field bounded by Silsoe Road, and two existing watercourses (drainage ditches) was put forward as site NLP253. The outcome of the site assessment process defined the Easternmost 2.37 ha portion of the field as HAS38 with the Western boundary (and settlement envelope) aligned to the build line of existing properties fronting onto Silsoe Road to the North and South.



According to a nearby residents, the field is known locally as "*Spring Field*" and has a history of waterlogging. Investigations of 'surface water' flooding at an adjacent property confirmed the presence of groundwater from a spring.

Of note is that the overlay on the 'call for sites' map shows a flood risk area either side of the ditch leading south from the site to the Flit flood plain – but, on the map, this finishes abruptly at the site boundary.

This is an artefact. The site boundary merely marks the limit of the Environment Agency's (EA) assessment.

The lack of extension of the flood risk area Northward and Westward across the site and boundary ditches arises because EA did not assess the area – it does not confirm the absence of flood risk of the site as seems to have been assumed in Stage 1a Site assessment. This is discussed in more detail below.

2. Planning and Policy Compliance

The land proposed for development is offered some protection within NPPF2023. The adopted Central Bedfordshire **Local Plan (2015 – 2035)** is given full weight in planning decisions and the **NPPF 2023** applies. Both documents are required to be read as a whole.

NPPF Chapter 1 Introduction Para 2. *Planning law requires that applications for planning permission be determined in accordance with the development codicil 2, unless material considerations indicate otherwise codicil 3. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.*

The **NPPF Chapter 2 Achieving Sustainable Development states at Para 8** *the purpose of the planning system is to contribute to the objective of sustainable development, and this is in relation to a) - an economic objective, b) a social objective and c) an environmental objective; all of which are required to be met.*

CPRE believe the revised plans for development of the site are unsustainable as they fail to deliver these 3 objectives – none of which are intended to be delivered as short-term benefits, such as employment during construction.

3. Central Bedfordshire Local Plan & Policies.

3.1 Local Plan Policy HA1 – Small and Medium Allocations states *“In addition to the general policy requirements of this Local Plan, development of these sites must take full account of the site-specific issues which are identified and set out on a site-by-site basis where relevant.”*

For site HAS38 the Table entry reads:

HAS38	Land fronting Silsoe Road	Central	Maulden	30	39	2.37
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- A site-specific FRA.
- Site is within an MSA, a Minerals Resource Assessment will be required.
- Landscape mitigation required of appropriate scale and in keeping with the distinct landscape character of the Flit Valley to integrate development within the rural setting and protect views from open countryside to the west.

Of note are: -

1. The site area is recorded as 2.37 Ha.
2. The site capacity is recorded as 30.
3. A site-specific FRA is required.
4. Development needs to integrate with rural setting and views from open countryside to the West protected.

This can be compared to the entry for the site in the schedule for Maulden from the 'call for sites'.

Reference	Location	Address	Size
NLP253	LandfrontingSilsoeRd	MauldenMK452AY	4.45 Ha

i.e. HAS38 as approved in the Local Plan is only a 2.37 ha portion of the 4.45 ha site offered in the 'call for sites.'

The outcome from Stage 2 Assessment (prior to completion of the FRA (see below)) was: -

Is the site suitable for the proposed development?

The site is within Grade 2 Agricultural land, and there have been educational constraints identified within this area. An Ordinary Watercourse is present so further modelling will be required to confirm flood risk.

There would however need to be some mitigation undertaken, in particular taking forward only the portion of the site which sits within the existing depth of the build form would help to ensure the site is well related to Maulden and does not significantly alter the existing historic settlement pattern.

There would also be a need to retain and buffer the existing landscape and ecology features and deliver net habitat gain as the site is within the Greensand NIA.

A portion of the site will be retained within the Site Assessment process

In line with this Stage 2 Assessment, CPRE view the revised application as being contrary to Policy HA1 in the following respects:

- 1. The application is for development of the whole 4.45 Ha of NLP253 rather than the 2.37 Ha of HAS38 in the approved Local Plan***
- 2. The application proposes creating reservoirs and balancing lakes in the portion of NLP253 outside the approved HAS38 area rather than retaining and buffering existing landscape and ecology features (also contrary to EE2, EE3, EE5 and EE8).***
- 3. The application does not propose measures to deliver net habitat gain within the HAS38 site (contrary to policies EE2, EE3, EE8)***

3.2 Local Plan Policy CC3 - Flood Risk Management states: “A site-specific Flood Risk Assessment will be required for any site within 20m of any watercourse (**including those not shown on the Environment Agency Flood Maps**), or within an area at **high risk of surface water flooding**”.

As noted in the context section (above) the Northern and Southern boundaries abut watercourses and, anecdotally, the land is frequently water-logged.

3.2.1 Call for Sites Assessment

Somewhat surprisingly the Stage 1a Assessment of the Flood Risk states

Flood Risk (All sites which reach Stage 2 will be subject to the Sequential Test)			
2	Is more than 50% of the site located in Flood Zone 2 or 3?	No	No Not located in Flood Zone 2 or 3.
3	Is more than 50% of the site at risk from surface water flooding?	No	Not at risk from surface water flooding.

As noted in Stage 2 Assessment and the FRA both assessments are incorrect. NLP253 is subject to both fluvial and surface water flood risk. Presumably, the error arises from misunderstanding that the site was not assessed by EA in creating the flood risk overlay incorporated into the site assessment map.

The Stage 2 Assessment states

Drainage and Flooding (All sites subject to Sequential Test)			
33	What is the conclusion of the sequential approach to site allocations, in regard to flood risk? <input type="checkbox"/> No assessment required (G) <input type="checkbox"/> Consider Further Assessment (A) <input type="checkbox"/> Further Assessment Required (R)	A	Ordinary Watercourse present, JFlow modelling required to confirm flood risk

The Central Bedfordshire Strategic Flood Risk Assessment – Level 2 Detailed Strategic Site Summary (see Appendix) states:

- The assessment was solely for the portion of NLP 253 identified through the site assessment process as HAS38 with an area of 2.37 ha. (i.e. the approved site – not the whole 4.45 ha field assessed in the call for sites).
- The site is confirmed as lying outside the IDB zone (restricted to the Flit valley alone – not feed watercourses) and was not part of the EA Flood Risk Assessment.
- Generalised 2d modelling of the boundary ditches 34.2 and 43.7m from the SW and NW corners of the site (i.e. the ditches forming the Southern and Western boundaries of NLP253) was undertaken and indicated that HAS38 is subject to fluvial flooding risk with **34% of HAS38 rated at the highest Fz3b rating.**

- Modelling of surface water flooding risk suggest 15% of the site along the Western boundary of HAS38 subject to flooding in the 30-year event – with the Southwestern corner flooded in all risk event cases.

3.2.2 **Applicants Flood Risk Assessment**

The Applicant has submitted a Flood Risk Assessment and Drainage Strategy undertaken by Woods Hardwick. The original report was submitted in November 2021 and the latest Revision (E) in January 2024 as part of the revised plans.

The overall risk findings are consistent with the Level 2 Detailed Strategic Site Summary and contain numerous maps and figures. The example below shows the surface water flood risk and should be compared with the original EA flood map.

([Maps from Report and EA])

There are several additional findings of the report – most notably from the analysis of the boreholes:

- a. The underlying geology revealed from the cores differs from that expected from the definitive geological map.
- b. Significant sub-surface water is located even down to 1m below ground level.

The analysis focuses on the impact of these findings on the risk level surface water however, it may also indicate the presence of a natural spring on the site. This possibility needs to be addressed through further focused assessment.

In addition to potential for groundwater to be a further source of flood risk (even after fluvial and surface water risks are mitigated), the Southwest corner of the site is the point where the proposed drainage will exit all water into the watercourse to the Flit. There is thus an additional risk of potential contamination of groundwater from the surface water. ***This is contrary to Policy CC7 (Water Quality).***

This raises the additional concern that the proposed drainage strategy does not include any water treatment facility to remove pollutants from the site. ***This is contrary to Policy CC5 (Sustainable Drainage)***

3.2.3 – Requirements of Policy CC3 Flood Risk Management

From the Flood Risk assessments, it is questionable whether the site is appropriate for development given the level of flood risk.

If the decision is to continue to progress the development of HAS38, Policy CC3 states a number of requirements that need to be met for CBC to support development of the site. These are listed below together with CPRE's comments (in bold) of issues with the revised plans for the application:

Development will be supported where:

1. *It is located in areas at lowest risk of flooding (from all sources) and the Sequential and Exception Tests (where required) demonstrate that the site is appropriate for development and its intended use;*

The plans show erection of two rows of housing evenly distributed across the site. The second row

will be close to the western boundary and the Southwest corner. This is contrary to avoiding areas of highest flood risk.

2. A sequential approach to site layout is applied, directing the most vulnerable uses to the areas at lowest risk from all sources of flooding;

The Wood Hardwick report states that a sequential approach is not required. This is not consistent with the findings and thus contrary to the requirement

3. It will be safe for the lifetime of the development, will not increase flood risk elsewhere or result in a loss of floodplain storage capacity or impede flow paths, and reduces the overall flood risk within and beyond the site boundary where possible. Land that is required from current and future flood management will be safeguarded from development.

Although the EA flood risk assessment does not provide complete coverage of Maulden (and this site in particular) the watercourses adjacent to the site are clearly linked to both North and South of the site. Given other flooding problems associated with development in Maulden there is insufficient analysis in the FRA to date to demonstrate that this requirement can be met.

4. A site-specific assessment of flood risk has been undertaken following the criteria within this policy and the NPPF, which sets out appropriate flood risk management measures;

An FRA has been undertaken. This includes a drainage strategy to manage the known flood risk – but this is dependent on development outside the HAS38 site and is thus contrary not only to CC3 but also HA1, EE1, EE3, EE5 and EE8.

5. Climate change implications are taken into account and occupants of the site will be safe during all flood events (including those which exceed the agreed design standard) or from residual risks or failure of the drainage system;

The FRA does not contain sufficient detail or analysis to confirm that this requirement can be fully met

6. Development must consider the impacts of the layout and land use on off-site flood risk. Measures should be identified and implemented, including passive measures to improve flood risk off-site;

7. Surface water runoff is managed to pre-development rates and volumes, giving priority to the use of SUDS, and discharge locations have capacity to receive all foul and surface water flows from the development;

The proposed system of flood risk management is only partly consistent with a SUDS strategy. However, the proposed outflow will be into the watercourse to the South of the site and thus to the River Flit. These watercourses are already high-risk flood sites and there is insufficient evidence that they have capacity to accept the increased volume of surface water.

8. The area of impermeable surface is minimised, and porous and/or permeable surfaces are used wherever reasonably practicable;

The revised drawings and the intention of erecting two rows of housing and associated roads to connect the dwellings maximises the amount of impermeable surfaces and the need for associated drains and sewers. This is contrary to the policy requirement.

9. Mitigation measures maximise water efficiency and contribute to a net gain in water quality, biodiversity, landscape character and green infrastructure; and
10. Building level flood avoidance, resilience and resistance measures are designed into the development where appropriate.

Where necessary, planning permission will be conditional upon flood protection and/or runoff control measures being operative before other site works.

Development that increases the risk of flooding on or off the development site or would compromise the performance of flood defences will not be permitted.

Central Bedfordshire Council will safeguard land required for current and future flood management

The FRA has proposed a Drainage strategy that may be of wider benefit to Maulden and CBC may choose to safeguard the land to West of HAS38 as part of a strategic solution to flooding in the village. CBC may also opt to impose an S106 condition on the developer to contribute to completion of the works.

3.3 CBC Local Plan Policies

3.3.1 Policy EE2: Enhancing Biodiversity states *“The Council will work with developers to conserve habitats, species and sites, delivering enhancement and creation of ecological networks. Development proposals will be permitted where they provide a net gain in biodiversity through the conservation, restoration, enhancement and creation of ecological networks of habitats, species and sites (both statutory and non-statutory) or international, national and local importance.*

Development proposals will be permitted where they avoid negative impacts on biodiversity and geodiversity. Where this is not possible, proposals must mitigate unavoidable impacts and, as a last resort, compensate for residual impacts; delivering a net gain in biodiversity by:

1. *Incorporating and enhancing existing and creating new biodiversity features within their design; and*
2. *Maximising opportunities to enhance and create links between ecological networks and habitats of principal importance. Links should be created both on-site and, where possible, with nearby features.*

The revised plans do not address these issues within the bounds of the approved HAS38 site and are thus contrary Policy EE2.

Policy EE3: Nature Conservation

Important habitats and sites of geological and geomorphological interest will be protected, maintained and enhanced.

Up to date, comprehensive ecological surveys undertaken in accordance with industry guidelines and standards will be required to support and inform development proposals that would affect sites for nature conservation, protected species, or species and habitats of principal importance demonstrating development will deliver a net gain.

Development proposals will be permitted where:

1. They do not have an adverse effect, either alone or in-combination, on European designated sites, unless they satisfy the requirements of the Habitats Regulations*;
2. They will not adversely affect SSSIs, NNRs and Roadside Nature Reserves; and
3. They are designed to prevent any adverse impact on:
 - a. County Wildlife Sites;
 - b. Local Nature Reserves;
 - c. Local Geological or Geomorphological Sites;
 - d. Protected species; or
 - e. Species and habitats of principal importance.

The assessment of adverse impacts will apply to potentially damaging development proposals that may affect the designated area. It will include the consideration of adverse cumulative effects with other existing or proposed development. Adverse impacts, such as disturbance through increased recreational pressure can result from new development and require mitigation to prevent detrimental impacts to the ecological resource.

*Habitats Directive 92/43/EEC of 21 May 1992

The revised plans not only fail to protect existing biodiversity, but through replacing greenfield with a significant area of open water will completely change the ecology of the site and are thus contrary to Policy EE3

Policy EE8: Greensand Ridge Nature Improvement Area

Development proposals within the Greensand Ridge Nature Improvement Area (NIA) will be permitted where they: 1. Demonstrate how a net gain in biodiversity will be delivered, including how gains in the quality and connectivity of ecological networks within and linking to the development will be delivered.

2. Enhance wildlife networks and increase ecological connectivity through buffering, extending and linking characteristic habitats (as listed above) both within and adjacent to developments.

3. Demonstrate how provision is made for species recovery and resilience.

4. Respect the topography and landscape of the NIA and be designed in such a way that it minimises visual impacts and protects local amenity; and

5. Provide opportunities for people to access and experience the NIA in a way that is sympathetic and sustainable towards existing habitats.

The revised plans fail to deliver the requirements of Policy EE8 for development within the Greensand Ridge NIA – even though this requirement was clearly stated as a key condition in the decision to approve the HAS38 site in line with Policy HA1

Policy EE5: Landscape Character and Value

In order to safeguard intrinsic character, scenic beauty and perceptual qualities of the landscape such as tranquillity, all development proposals will need to have regard to the key characteristics and sensitivities of the site and its setting, as set out in the Central Bedfordshire Landscape Character Assessment.

All major development proposals will be required to demonstrate how they incorporate landscape enhancement, in accordance with the guidelines in the LCA, the Central Bedfordshire Design Guide and other relevant documents for specific areas. This includes the Chilterns AONB, Forest of Marston Vale and the Greensand Ridge Nature Improvement Area. Landscape and visual appraisal will be expected to support planning applications and include the assessment of local landscape character and views. All development will be required to respect, retain and enhance the character and distinctiveness of the local landscape by:

1. Reflecting the local character and distinctiveness in terms of the scale and pattern of the surrounding landscape and existing settlement form; and

2. Integrating on-site mitigation sympathetic to local character in scale with the landscape setting as well as the scale of the development.

3.4 Conclusions

CPRE's view is that the revised plans are still inconsistent with the Local Plan and Policies and the application should be refused.

- The scope of the plans encompasses the whole of the proposed 4.45ha NLP253 site. This is contrary to Policy HA1 which excluded the Western portion of the site and established HAS38 as the Eastern 2.37ha portion of the site.
- More detailed Flood risk assessment shows that the site is susceptible to a significant level of flood risk from adjacent watercourses (fluvial), surface water and, potentially, ground water. Had this been established during Stage 1a assessment it is unlikely site NLP253 would have been progressed and included as a small/medium housing allocation
- The revised plans do not meet the requirements of Policy CC3 for Flood Risk Management
 - The proposed lay out does not avoid building in highest risk areas (Western Boundary, Southwestern corner)
 - The flood risk management strategy is fundamentally dependent on development outside the site boundary and settlement envelope.
 - The plans require creation of a significant area of impermeable road surfaces to service two rows of dwellings.
 - Surface water management on the HAS38 site will require numerous culverts under the roads and to connect to the proposed reservoirs and balancing lakes. This is also contrary to Policy CC5.
- The plans propose creating lakes to cover 30-50% of the land West of HAS38. The drawings also suggest that this land outside HAS38 will be where measures to address loss of Biodiversity and Natural Habitats through development of the HAS38 site. This is contrary not only to Policy HA1 (Small and medium site allocations), but also Policies EE1, EE2, EE4.
- The plans are contrary to the intent of Policy HA1 to preserve the land West of HAS38 as agricultural land within the open countryside. They are also contrary to Policy EE8 (Development within the Greensand Ridge NIA).

Finally, please note that in our submissions in respect of the proposed development, while we have taken every effort to present accurate information for your consideration, as we are not a decision maker or statutory consultee, we cannot accept any responsibility for unintentional errors or omissions, and you should satisfy yourselves on any facts before reaching your decision.

Dr Malcolm Hill

For & on behalf of CPRE Bedfordshire